

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
EVANSVILLE DIVISION

FILED  
U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
EVANSVILLE DIVISION

ELLENTON EQUITIES, LLC,

Plaintiff,

v.

BAUER HOMES, INC., ALFRED H. BAUER, JR.,  
BARE, LLC, CONGER PLUMBING, RAYS'S HEATING  
& AIR CONDITIONING, INC., TIME ZELLER,  
CANNON CONCRETE SERVICES, INC., WRIGHT  
CONSULTANTS, LLC, ADAMS PLUMBING, INC.,  
TONI GRIM BAUER, EVANSVILLE COMMERCE  
BANK, TREASURER OF VANDERBURGH  
COUNTY, UNITED STATES OF AMERICA,

Defendants.

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SOUTHERN DISTRICT  
OF INDIANA  
LAURA A. BRIGGS  
CLERK

Case No.

**3 : 09 -cv- 0157 RLY -WGH**

**NOTICE OF REMOVAL**

To: The Honorable Judge of the United States District Court for the Southern District of Indiana

The United States of America, U.S. Small Business Administration gives notice that the above-captioned cause now pending in the Vanderburgh Superior Court, Cause No. 82D03-0907-MF-3779 is removed therefrom to this Court, under the provisions of Title 28, United States Code, Sections 1441, 1442, 1444, and 1446.

In support thereof, Defendant states:

1. The United States of America has been named as a Defendant in this action which was commenced in the Vanderburgh Superior Court, by the filing of the Plaintiff's Complaint for Foreclosure & Other Relief, which is attached hereto as "Exhibit A".

2. The Plaintiff's action appears to be an action to foreclose a lien upon the real estate. The United States of America has an interest in the real estate that is the subject of the Plaintiff's foreclosure action. As the result of the United States' interest in the property, issues of federal law and of sovereign immunity arise in this action.

3. As an action to foreclose liens and/or mortgages on property in which the United States holds an interest, this action is removable to the district court pursuant to the provisions of 28 United States Code, Section 1444.

4. Copies of all pleadings and process served upon this Defendant in this cause are attached as Exhibit A.

5. This notice is filed within thirty days after service of the initial pleadings.

WHEREFORE, the Defendant, United States of America, prays that this action be removed to federal district court.

Respectfully submitted,

TIMOTHY M. MORRISON  
United States Attorney

By:

  
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Jeffrey L. Hunter  
Assistant United States Attorney

**CERTIFICATE OF SERVICE**

This is to certify that I have served a copy of the foregoing **NOTICE OF REMOVAL**, upon the Plaintiff herein, by mailing a copy thereof to the following counsel of record, by first class mail, on this 2<sup>nd</sup> day of November, 2009:

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\_\_\_\_\_  
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